United Nations A/C.3/52/SR.34

# General Assembly
Fifty-second session

Official Records

Distr.: General
17 February 1998
English
Original: French

**Third Committee**

**Summary record of the 34th meeting**
Held at Headquarters, New York, on Thursday, 13 November 1997, at 10 a.m.

*Chairman:* Mr. Busacca ..... (Italy)

## Contents

Agenda item 112: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

(e) Report of the United Nations High Commissioner for Refugees (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

97-82766 (E)

*The meeting was called to order at 10.15 a.m.*

**Agenda item 112: Human rights questions** (*continued*)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/52/66, A/52/135, A/52/151, A/52/182, A/52/204, A/52/205, A/52/468, A/52/81-S/1997/153, A/52/85-S/1997/180, A/52/117, A/52/125-S/1997/334, A/52/133-S/1997/348, A/52/134-S/1997/349, A/52/469 and Add.1, A/52/473-475, A/52/477, A/52/483, A/52/489, A/52/494, A/52/498 and A/52/567)

**(c) Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/52/61-S/1997/68, A/52/64, A/52/125-S/1997/334, A/52/170, A/52/472, A/52/476, A/52/479, A/52/484, A/52/486/Add.1/Rev.1, A/52/490, A/52/493, A/52/496, A/52/497, A/52/499, A/52/502, A/52/505, A/52/506, A/52/510, A/52/515, A/52/522, A/52/527 and A/52/583)

**(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action** (*continued*) (A/52/36 and A/52/182)

**(e) Report of the United Nations High Commissioner for Refugees** (*continued*) (A/52/36 and A/52/182)

1. **Ms. Rehn** (Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia) introduced her report on the situation of human rights in the former Yugoslavia (A/52/490).

2. In the Republic of Croatia, the Government had shown goodwill, for example, by surrendering 10 war-crimes suspects to the United Nations International Tribunal for the Former Yugoslavia and establishing the National Committee for the implementation of the Programme for the Establishment of Trust, Accelerated Return and Normalization of Living Conditions in the war-affected regions of the Republic of Croatia. The Government must now confirm through new actions that it was prepared to fulfil all its obligations, in particular, to accelerate returns and to establish genuine equality of rights between Serbs and Croats.

3. In the Federal Republic of Yugoslavia, there was no respect for human rights or the basic principles of democracy; recently, the ruling party had forcibly annulled an unfavourable electoral outcome. In Kosovo, while the discipline of the ethnic Albanian students who had demonstrated in October 1997 for education rights was encouraging, the behaviour of the police and the authorities was less admirable. Serious violations of human rights (torture, "hidden" detention, and so on) had reportedly occurred during the trial of several Albanians accused of terrorism. Greater pressure from the international community to create a platform for negotiations and a greater international presence were needed. In Serbia, changes in the Government gave reason to hope for better cooperation with the Special Rapporteur. The Government of Montenegro had taken positive decisions; for instance, it had implemented some of her recommendations. For its part, the former Yugoslav Republic of Macedonia had established an ombudsman, amended its criminal law and adopted various measures in favour of minorities. There was no longer any reason for the country to be included in her mandate. Nevertheless, the behaviour of the police forces was still unacceptable. There was a need for police training (such training could be included within the mandate of the United Nations Preventive Deployment Force (UNPREDEP)), particularly in such areas as human rights, tolerance, and ethical and moral standards.

4. Many problems remained in Bosnia and Herzegovina. In certain towns, the implementation of the election results posed problems; the local authorities needed to demonstrate their commitment to democratic principles and human rights. While national institutions for the protection of human rights, including the Office of the Federation Ombudsmen, had become much more efficient, and non-governmental organizations more influential, substantial support and an adequate legal framework were still needed. The security situation had improved to some extent, but better police training was needed. It was also essential for both the Bosnian and the international police to recruit more female officers, especially to assist rape victims. The Office of the United Nations High Commissioner for Refugees (UNHCR) Open City project was a major initiative that deserved stronger support. Lastly, it was crucial that the schools should teach children to have tolerance and respect for the human rights of other groups, while respecting their own cultural traditions.

5. On other issues, she cited the problem of returns and that of the observance of property rights, which were still unsolved; landmines had proliferated, while the United Nations Mine Action Centre was severely underfunded;

"hidden" detentions were a source of concern; investigations into the fate of missing persons and the identification of bodies exhumed from mass graves entailed enormous difficulties, apart from the sadness of the survivors, who often could not get pensions because they could not provide proof of death; and war-crimes suspects had not yet been brought to trial.

6. It was essential to maintain an international presence beyond the summer of 1998 in order to consolidate the clear, but fragile, achievements. Moreover, human rights and responsibility for violations thereof should be viewed individually, rather than collectively.

7. **Ms. Gligorova** (The former Yugoslav Republic of Macedonia) said that her Government greatly appreciated the efforts and skills of the Special Rapporteur, who had pursued with determination what was also the fundamental goal of the former Yugoslav Republic of Macedonia, namely, the promotion of human rights and the development of democracy. She welcomed her country's exclusion from the future mandate of the Special Rapporteur.

8. **Mr. Hammarberg** (Special Representative of the Secretary-General) introduced his report on human rights in Cambodia (A/52/489).

9. The situation prevailing in Cambodia was alarming in terms of basic rights. One of the reasons was the violence of the political confrontations. For instance, terrorist acts had been directed at legally authorized peaceful demonstrations, yet there had been no serious investigations that might have led to arrests and prosecutions. The fact that the armed forces had never been fully integrated or depoliticized after the 1991 peace agreements and that the bodyguards of the two Prime Ministers were heavily armed had helped aggravate the tensions between the two major parties in the coalition Government. At the time of the developments of July 1997, looting had occurred and homes had been violated and many civilians had been killed or wounded. There had been allegations of arrests, detentions, extrajudicial executions, killings and disappearances of persons targeted because of their political affiliation. Moreover, the many cases of summary execution and torture brought to the Government's attention had still not been investigated several months after the fact.

10. Another cause of tension was the preparation for elections, which was proceeding in an atmosphere of fear. An appropriate legal framework, a genuinely independent electoral commission and a constitutional council had to be put in place, the political parties had to be guaranteed equal access to the media for their campaigning and the militias of the political parties had to be demobilized and disarmed. The military and the security forces should remain politically neutral and the judiciary must be impartial. General conditions had to be established under which there was a genuine security of persons and freedom of association, assembly and expression, all factors crucial to free and fair elections.

11. The problem of impunity further aggravated the situation. Impunity was both political and institutional. Nothing had been done to repeal or amend the legal provision that shielded officials who violated fundamental rights from prosecution. The most serious human rights violators in Cambodia in recent history had been the Khmer Rouge. As long as the Khmer Rouge leaders were not held accountable, flagrant impunity would continue. The fact that the two Prime Ministers had requested the assistance of the United Nations in bringing to justice those responsible for the genocide and other crimes against humanity during the rule of the Khmer Rouge from 1975 to 1979 was therefore cause for celebration. He suggested that the Secretary-General should appoint experts to assess the responsibility of the Khmer Rouge.

12. **Mr. Bíró** (Special Rapporteur of the Commission on Human Rights) introduced the fifth interim report on the situation of human rights in the Sudan (A/52/510).

13. Rather than improving, the human rights situation in the Sudan had instead deteriorated in certain areas. Nevertheless, the Government had shown a positive attitude in dealing with some categories of violations. For instance, it had begun to cooperate again with the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur, especially by making available the results of investigations. It also seemed disposed to furnish additional information upon request; and clarifications were in fact needed on certain points, particularly the special judicial proceedings and the summary executions in Juba following the 1992 events.

14. He believed that the human rights provisions of the Khartoum Agreement concluded on 21 April 1997 between the Government and several political organizations in southern Sudan were in accordance with international standards. All the parties, however, must now implement them properly. To improve communication between the parties and increase mutual confidence, the High Commissioner's representatives could meet periodically with the Sudanese Government to look instantly into anything having to do with human rights; monitors should also be immediately deployed in the field, as the Commission on Human Rights had recommended in resolution 1997/59.

15. The status of Sudanese women remained a major source of concern. There had, for instance, been recent reports that the police had arbitrarily rounded up women in Khartoum, insulting and even flogging them. The legislation of the state of Khartoum forbade women from mingling with men in public places. There were, in addition, many reports about the abduction of children, who were subjected to brutal treatment of various kinds and wantonly killed by their kidnappers. Apparently an intergovernmental investigating committee was being set up in cooperation with the United Nations Children's Fund (UNICEF), but the Government itself should do everything possible to end those abhorrent practices.

16. While recognizing the attempts of the Government to improve communication with United Nations bodies on human rights issues, the recommendations reiterated in paragraph 3 of his report were still essentially valid.

17. **Ms. Wahbi** (Sudan) said that her delegation would comment later on the report of the Special Rapporteur.

18. **Mr. Moussalli** (Special Representative of the Commission on Human Rights) introduced his report on the situation of human rights in Rwanda (A/52/522).

19. The Government of Rwanda showed a real willingness to cooperate with the international community, as evidenced by the agreement signed with the High Commissioner for Human Rights and the mandate given to the Human Rights Field Operation in Rwanda. The Operation, whose dual function – monitoring the observance of human rights, and technical cooperation – continued to be essential, must be given all the resources needed to enable it to discharge its mandate effectively. Moreover, foreign agencies working in Rwanda to protect human rights should better coordinate their priorities and programmes and the use to which they put their resources. A global plan of assistance could be drawn up, with one agency responsible for its implementation, a specified time-frame and sufficient funds.

19a. The situation of detainees and the conditions of detention must be an immediate priority. The Government should receive the needed technical assistance so that those who administered justice could establish dossiers for each detainee and release those against whom no charges could be substantiated. The Government should also grant amnesty to those to whom no atrocious crimes could be attributed; it would take that approach more easily if some of the main perpetrators of the genocide currently exiled in various countries could be brought before the International Criminal Tribunal. The creation of an independent national human rights commission to protect human rights was another important issue. The Government was determined to take the necessary steps to set up that body, as called for in the Arusha Peace Agreement signed in 1993. Such an institution would help create a climate of confidence and reconciliation in the country, but it would need the technical and financial support of the international community to function effectively. The worsening security situation in the western prefectures of Rwanda was a matter of serious concern. The civilian population was the first casualty in such a situation, created by the attacks of armed insurgents that had already caused the tragic deaths of several members of the Human Rights Field Operation. The Rwandan army and authorities must therefore do their utmost to save the lives of innocent civilians.

20. **Mr. Kayinamura** (Rwanda) said that human rights abuses had characterized both colonial and post-colonial Rwanda. Those abuses and the accompanying impunity had culminated in the full-scale genocide of 1994. It was important to point out that human rights violations had continued even when the United Nations had been present in the country and that, although information on the impending genocide had been brought to the attention of the highest levels of the United Nations, a fully equipped United Nations force had abandoned the Rwandan people to their fate.

21. The government of national unity established after the defeat of the genocidal regime had inherited a country in shambles, with a traumatized population that was crying out for justice. It had taken measures to prevent any attempts at revenge, to restore order and to put a stop to human rights violations, thereby ensuring stability in order to rebuild the country. The Government had invited other political forces to join it and had shown its determination to establish the rule of law in Rwanda. It therefore viewed the defence of human rights as a primary responsibility and had requested the support of the international community in putting in place mechanisms that would improve the human rights situation. In response, the United Nations had established a human rights Field Operation in Rwanda whose staff were deployed throughout the country and had received full cooperation from both government officials and the general public.

22. The Field Operation had lost sight of its primary mission, however, which his Government had understood to be that of empowering the population and national institutions to ensure the sustainable protection of human rights. The population had had high expectations of the process of bringing about justice, but from the outset the Operation had neglected genocide issues and concentrated on compiling lists of criminal incidents. Such incidents were bound to happen in a country which was emerging from

genocide and which had always had a poor human rights record, and the Government was actually taking the necessary steps to curb them. Human rights issues were extremely complex. The United Nations Operation should require of its staff a high level of professionalism that transcended all bias and prejudice, instead of recruiting, as it tended to do, staff who were completely incompetent. In Rwanda, any human rights expert should realize that there were two sides: perpetrators of genocide who must be brought to justice and a Government which considered the defence of human rights to be its primary responsibility. Under no circumstances should the two sides be evaluated together in United Nations reports.

23. A number of measures taken by the Government, such as restoring the judiciary, broadening parliamentary representation, enacting the law on genocide, making trials transparent, reintegrating refugees and cooperating with United Nations bodies working in the country, were not mentioned in the report in document A/52/522. The report on the Human Rights Field Operation in Rwanda (A/52/486 and Add.1) also made no mention of the positive contributions which individual Governments had made to Rwanda, for which he expressed appreciation. The latter report claimed that there was generalized insecurity in Rwanda, when in fact there were only isolated cases in a few communes in Gisenyi Prefecture, which was known to be the stronghold of the regime that had perpetrated the genocide. No prefecture qualified to be placed under United Nations phase IV security measures. The remnants of the forces responsible for the genocide had been able to reorganize and rearm in the refugee camps, with the support of some countries whose identity was well known, and were still targeting innocent civilians. The report, however, made unsubstantiated allegations, for instance that in remote areas of western Rwanda where rebels were operating, unarmed civilians had been killed by the Rwandan Patriotic Army. More effort must be made to verify the truth.

24. His Government was committed to building a society based on the rule of law and on respect for fundamental rights. Much had been achieved, although a number of challenges remained, especially in the area of the legislature and the question of impunity.

25. **Mr. Groth** (Special Rapporteur of the Commission on Human Rights) introduced his report on the situation of human rights in Cuba (A/52/479).

26. Systematic and gross violations of human rights continued to occur in Cuba. More than anything, the Government was denying its citizens freedom of opinion, expression and assembly. For instance, four dissidents were still being held at security forces headquarters after several months, probably for having published a critical, but not in any way seditious, review of an official document. Methods of repression seemed to have changed, however: fewer people had been brought before the courts and given heavy prison sentences, at least in the case of known opponents of the regime. Instead, they had been repeatedly harassed, intimidated and threatened and sometimes physically attacked or their movements restricted. People continued to be forced to leave the country under threat of imprisonment. Although less visible those methods were still serious violations of basic rights.

27. There had not been any decisive improvement in prison conditions, although he had received reports that the food situation in prisons had improved somewhat. It was very difficult to ascertain the true situation, however, as long as the International Committee of the Red Cross or other humanitarian organizations had no access to prisons. He himself was still not allowed into the country. Requests from him and from other mechanisms of the Commission on Human Rights to enter Cuba had gone unanswered.

28. Lack of freedom of association was becoming one of the most serious human rights violations. With regard to the implementation of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, the report reproduced information from the reports of other United Nations bodies to which the Government of Cuba did report.

29. For five consecutive years, the General Assembly had condemned the United States embargo against Cuba, voicing its concern about the embargo's adverse effects on the Cuban people. Similar concern was expressed in a report by the American Association for World Health, which had been publicly refuted by the United States Department of State and excerpts from which were annexed to his own report.

30. **Mr. Núñez-Mosquer** (Cuba) said that the report in document A/52/479 simply repeated the arguments of those who were nostalgic for a past that the Cuban people had rejected and for whom the Special Rapporteur had become the spokesman of choice. It was strange to see such lies, pressures, blackmail and threats when over 30 years of a policy designed to disrupt the political, economic and social order in Cuba had failed to yield the desired result and when despite dire predictions, the country was making progress in its economic and social development.

31. The Special Rapporteur complained of a lack of cooperation from the Cuban authorities. In fact, the Government had given a definitive reply in 1992 when it had said that it could not accept what amounted to political

manipulation and selective and discriminatory treatment, because that would mean compromising its hard-won independence and freedom. It was not true that Cuba did not cooperate with United Nations bodies. The Government responded willingly and in good time to requests from the Commission on Human Rights and in 1997 had submitted reports to four treaty monitoring bodies, in keeping with its obligations and commitments.

32. The adoption of a special procedure for Cuba had never been justified, just as it had never been possible to prove the existence in Cuba of a human rights situation which justified such selective and discriminatory treatment. Anyone who wished to make an objective evaluation of the real situation must begin by recognizing that, thanks to the promotion of the true rights of men and women, the country had embarked on a process of social transformation which was steadily gaining momentum and whose main objectives were equality, justice and full and universal participation in decision-making on the country's future. What then should be said, in the interests of objectivity, of the Cuban people's longstanding enemy, the United States of America, which had committed the most flagrant, massive and systematic violations of the fundamental human rights of an entire people and whose interests were served by the Special Rapporteur? Cuba would never consent to negotiate its sovereignty or its independence by submitting its institutions or its system of government to the capricious scrutiny and ideological prejudices of that so-called observer.

33. **Ms. Lucas** (Luxembourg), speaking on behalf of the European Union and the associate countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Poland, Romania and Slovakia, said that during the 1990s, field activities for the protection of human rights had shown without a doubt, particularly in El Salvador and Guatemala, the vital role to be played by respect for human rights in restoring confidence and promoting reconciliation following an armed conflict. The United Nations High Commissioner for Human Rights must have at her disposal means commensurate with her task and the resources allocated to human rights programmes under the regular budget must be increased.

34. Respect for human rights must form an integral part of any peace process in the former Yugoslavia. The worrying situation in Kosovo justified the presence of international observers, particularly in view of the absence of respect for human rights and for the principles of the rule of law. The attacks on human rights and fundamental freedoms in Belarus were a source of concern. The European Union noted that the Government of Turkey had invited the Special Rapporteur on torture to visit that country and hoped that the visit would take place as soon as possible. The status quo in Cyprus was unacceptable. The European Union hoped that the dialogue between the Cypriot President and the head of the Turkish Cypriot community would continue.

35. The European Union continued to be concerned about the worrying human rights situation in the Great Lakes region of Africa. It was prepared to provide technical assistance to the Government of Burundi in restoring the rule of law and constitutional order and encouraged it to speed up the dismantling of the *regroupement* camps. The European Union fully supported the Human Rights Field Operation in Rwanda. It believed that additional measures needed to be taken to strengthen that country's judicial system. It attached great importance to the voluntary repatriation of refugees and to the necessary cooperation between the authorities and the Office of the United Nations High Commissioner for Refugees (UNHCR), as well as to the presence of the Office of the High Commissioner for Human Rights in the field. Turning to the Democratic Republic of the Congo, the European Union attached considerable importance to the implementation of the process of democratization announced by President Kabila on his accession to power, which should as soon as possible lead to the holding of free and democratic elections. She recalled that the European Union's offer to gradually resume cooperation with the Government remained linked to progress in the human rights situation and in the establishment of the rule of law. The European Union emphasized the need to restore the democratically elected Government in Sierra Leone and hoped that the agreement concluded in Conakry on 23 October would be implemented.

36. The European Union remained gravely concerned about the general human rights situation in Nigeria. Although the human rights situation in the Niger had improved somewhat in the past year, the European Union remained concerned, particularly about the new press law. It deplored the recent acts of violence in Kenya and expected the Government to create the necessary conditions to enable displaced persons to return home as soon as possible. It hoped that the Government's programme for constitutional, legislative and administrative reform would facilitate the holding of free and fair elections. In the Sudan, the Government should make genuine efforts to put an end to the violations of human rights and humanitarian law that were continuing to occur, particularly in the armed conflict raging in the south of the country. The European Union reaffirmed its outright condemnation of the terrorist acts affecting the Algerian people and encouraged the Algerian authorities to continue the process of democratization and economic restructuring that they had begun.

37. The European Union acknowledged the Chinese Government's commitment to accede to the international human rights instruments and welcomed the resumption without preconditions of the constructive dialogue on human rights between China and the European Union. However, it also noted the Government's violations of freedom of expression, worship and association, its repression of dissidents, its use of capital punishment and its failure to protect the identity of the Tibetan people. In the Democratic People's Republic of Korea, where there was a serious food crisis and a growing number of political prisoners, the Government should cooperate fully with the international human rights machinery and introduce reforms without delay to relieve the suffering of the population. In Cambodia, the authorities should implement the recommendations of the Special Representative of the Secretary-General, fully respect the Paris Agreements and ensure that free, multi-party elections were held in May 1998. The European Union condemned the attacks on leaders of the National League for Democracy in Myanmar and called upon the Government to free all political prisoners and to cooperate fully with the Special Rapporteur and with the International Labour Organization mission on forced labour.

38. She recalled the common position on East Timor defined in June 1996 by the Council of the European Union and called upon the Indonesian Government to substantially improve the human rights situation in East Timor. In Indonesia itself, the European Union was concerned about the Government's obstruction of political opposition activities. The European Union would continue to follow closely the ongoing trials of trade unionists in that country. The European Union condemned the terrorist attacks by the Liberation Tigers of Tamil Eelam in Sri Lanka and called on the Government urgently to resolve the problem of human rights violations by the army. The Governments of Nepal and Bhutan should try to find a just and lasting solution to the problem of Bhutanese refugees in Nepal. The European Union condemned all acts of terrorism and abuses of human rights in Kashmir and encouraged India and Pakistan to continue their bilateral dialogue on Kashmir.

39. The European Union noted with deep concern that the intensification of hostilities in Afghanistan was being compounded by serious and persistent human rights violations and breaches of international humanitarian law. It deplored the situation of women and girls in Afghanistan, where international personnel and non-governmental organizations were also working under difficult conditions. The European Union welcomed the General Agreement on the Establishment of Peace and National Accord, signed in June 1997 in Tajikistan. Respect for human rights was an important factor in the economic and political reconstruction of that country. The continued denial of political and civil rights in Iraq was resulting in widespread repression and oppression. While the European Union took note with interest of the political changes that had occurred in the Islamic Republic of Iran, it remained concerned about failings in the administration of justice and violations of freedom of speech and worship. As far as the Middle East was concerned, the European Union stressed once again the need for Israel and the Palestinian Authority to promote compliance, in the areas under their control, with the basic norms of democracy, including respect for human rights and the rule of law. The Syrian Arab Republic should improve its treatment of prisoners and respect freedom of expression. The European Union would welcome further concrete measures in that country, such as the release of a number of political prisoners and the intensification of the dialogue on human rights. The European Union welcomed Saudi Arabia's accession to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, it remained concerned about the human rights situation in that country, in particular the continued denial of civil and political rights, the use of torture in custody, detention without trial and violations of women's rights.

40. In Cuba, repression of the political opposition and of dissidents must cease. The Government should cooperate with the Special Rapporteur and implement the recommendations in his report. Lastly, the European Union welcomed the Colombian Government's cooperation with the Commission on Human Rights and the recent establishment of an office of the High Commissioner for Human Rights in Bogotá. It nevertheless remained concerned about the human rights situation in Colombia and the high level of impunity.

41. **Mr. Al-Humaimidi** (Iraq) said that the question of human rights was of special importance: it was essential to protect those rights in the various countries, while seeking ways of improving their enjoyment through dialogue and cooperation, rather than confrontation and threats. The politicization of human rights by exaggerating certain negative aspects which States were powerless to remedy, while ignoring the measures taken to ameliorate the situation, achieved nothing. The situation of fundamental rights was influenced positively or adversely by objective conditions. Unfortunately, some countries deliberately dismissed that reality and exploited the issue to serve their own ends and their own particular interests. Iraq was one of the countries which had suffered most as a result of

violations of individual and collective rights. The total power of the bombs dropped on its territory during the 1991 conflict had been equivalent to seven times that of the Hiroshima bomb. The United States of America and the United Kingdom had used banned weapons, including depleted uranium. The documents on radiological weapons and their effects on the environment and the population, presented by the Iraqi Government at the forty-eighth session of the Subcommission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1996/32) and the fifty-third session of the Commission on Human Rights (E/CN.4/1997/113) were useful references on the subject.

42. His delegation had already spoken at previous meetings of the impact of the embargo on the condition and rights of women and children. Because of its damaging effects, the economic embargo constituted a grave violation of fundamental human rights, in particular the right to life. It was also, as confirmed in accounts by representatives of international organizations and experts on humanitarian matters who had been to Iraq, a violation of the principles of the Universal Declaration of Human Rights and of the other international legal instruments which prohibited the withholding of food as a means of exerting political pressure. In its report of 10 October 1997, the joint mission of the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP), which had visited every region of Iraq, had emphasized that the problem of malnutrition had not been solved by Security Council resolution 986 (1995) and that imports of agricultural products remained inadequate, while local production was declining steadily because of the shortage of equipment, fertilizers and pesticides. The only reason that it had been possible to avoid famine for the last seven years was that the Iraqi authorities had managed to distribute food rations to the entire population. The protection of human rights in Iraq should begin with the lifting of the economic embargo. It was impossible to speak of human rights and the various ways of improving their effective enjoyment and yet remain silent about the genocide to which the Iraqi people were being subjected as a result of the sanctions.

43. **Mrs. Castro de Barish** (Costa Rica) said that one of the main purposes of the United Nations was to promote respect for human rights and fundamental freedoms. By adopting the Universal Declaration of Human Rights in 1948, the States Members of the United Nations had together defined principles applicable to all and had recognized the dignity of human beings and their inalienable rights. That being the case, it was clearly incumbent upon them to guarantee those rights, *inter alia*, by acceding to the various international human rights instruments. Costa Rica, for its part, attached special importance to that type of treaty, and the Inter-American Convention on Human Rights, which had contributed to the progress of democracy in the region, was one such treaty.

44. The Universal Declaration had been followed by the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its two optional protocols, one on communications from individuals and the other on the abolition of the death penalty. Costa Rica, which had abolished capital punishment in the nineteenth century, was particularly encouraged by the adoption of the Second Optional Protocol, and welcomed the fact that those instruments had brought about the recognition of the human being as a subject of international law. With the establishment of ethnic cleansing as a policy, the Convention on the Prevention and Punishment of the Crime of Genocide, one of the first human rights protection instruments, was again topical. The International Convention on the Elimination of All Forms of Racial Discrimination and, subsequently, the Convention on the Elimination of All Forms of Discrimination against Women had also proved to be of great value. The Convention on the Rights of the Child had been ratified by 191 States, and it was to be hoped that universal ratification would be achieved by the year 2000, and that reservations which hampered its full implementation would be withdrawn. Given that torture was still practised in many Member States, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was also indispensable.

45. While it was true that human rights violations persisted in spite of those instruments and the efforts of the Commission on Human Rights, the Subcommission on Prevention of Discrimination and Protection of Minorities and the Special Rapporteurs and Representatives, the emphasis that the United Nations and its Secretary-General gave to human rights was nevertheless to be welcomed. The establishment of the post of United Nations High Commissioner for Human Rights, which had been supported by Costa Rica, had changed public perceptions of the issue and had facilitated the adoption of numerous measures within the United Nations system and outside it. Costa Rica would cooperate with the High Commissioner and looked forward to the five-year implementation review of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (Vienna, 1993), which was to take place in 1998.

46. In view of the forthcoming celebrations of the fiftieth anniversary of the Universal Declaration of Human Rights

and the efforts being made to improve human rights education, it would be timely to publicize the Universal Declaration more widely and to cooperate with non-governmental organizations and civil society to that end. The new millennium should be an age of understanding, solidarity, tolerance and true respect for all human rights.

47. **Mr. Richardson** (United States of America) said that, since its inception, the United Nations had embraced the cause of human rights. The worldwide celebration of the fiftieth anniversary of the Universal Declaration of Human Rights in 1998 would provide an opportunity to focus attention on the fundamental rights of all human beings. Human rights abuses in such countries as Bosnia and Herzegovina and Rwanda and the various types of discrimination had shown once again that nothing could be taken for granted and that it was necessary to continue to defend the Universal Declaration, which concerned everyone and did not simply reflect the values of a certain segment of humanity, as was sometimes implied.

48. The United States welcomed the opportunity to evaluate its own human rights record in the light of international standards and taking account of the views of others, provided that those views were constructive.

49. Over the past decade, the world had undergone unprecedented political, economic and social change. Never in the history of humanity had freedom and democracy been so widespread. After 36 years of civil war, Guatemala had become a model in the field of human rights: the military was losing its influence and corruption was being eliminated. In Haiti, which had been governed for two years by a democratically elected President, the police no longer terrorized the population, but were learning to serve it. South Africa, having elected Nelson Mandela as its head of State, had adopted a new Constitution and was pursuing a process of national reconciliation in cooperation with civil society. In 1993, India had established a national human rights commission. In April 1997, Yemen had organized free and fair parliamentary elections, and it was to be hoped that the presidential elections in 1999 would take place in a similar fashion. In the Democratic Republic of the Congo, the new head of State had agreed to receive a United Nations human rights mission.

50. Unfortunately, other countries continued to violate human rights. Nigeria envisaged a transition to democracy in 1998, but the current atmosphere of exclusion and intimidation and the number of political prisoners gave cause for scepticism regarding that process. Cuba, the only western hemisphere country that still failed to embrace democracy, patently disregarded international human rights standards and denied fundamental freedoms to the Cuban people. In Sudan, the human rights situation remained deplorable and the Sudanese Government opposed any genuine investigation in spite of international pressure. In Myanmar, the military leadership refused to hand over power to a democratically elected civilian Government and detained hundreds of political prisoners. In Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, the Peace Agreement still had to be implemented. China had taken some steps to improve the human rights situation over the long term and had signed the International Covenant on Economic, Social and Cultural Rights, but continued to violate human rights, and many freedoms were still trampled underfoot. Tibet, in particular, continued to suffer harsh repression and a special coordinator on Tibetan issues had been appointed to monitor the human rights situation there and promote dialogue between the Government of China and the Dalai Lama. Finally, Iraq and Iran failed to respect even the most fundamental human rights.

51. The United Nations had consistently promoted freedom of expression, thought and conscience and every effort must be made to ensure that the values embodied in the Universal Declaration were a reality for future generations.

52. **Monsignor Martino** (Observer for the Holy See) said that the rejection of all forms of discrimination based on religion was a fundamental principle of human rights. As His Holiness, Pope John Paul II had said, religious freedom was essential to the dignity of every person and was a factor for the good of individuals and the whole of society. It enabled the individual to be autonomous and to seek the truth and must be fully respected and guaranteed. It also enabled society to be more responsible, more just and more moral, and should be actively promoted by States. States could not, however, claim a right to impose or impede the profession of a faith or the public practice of a religion.

53. A disturbing trend in some secularized societies was to privatize religion. The principle of the separation of Church and State, recognized in the constitutions of many States, did not mean that the religious and civic values which men and women drew from their faith should be neglected. Believers had a right to participate fully in a constructive social dialogue and see their particular interests recognized and protected. Indeed, they could often make a special contribution to society.

54. As all the recent United Nations international conferences had clearly affirmed, programmes of international cooperation for development must also fully respect the cultural and religious traditions of the

populations they wished to assist. Religion must not be used, as had recently been the case, to exacerbate existing tensions, and communities and their leaders must ensure that they lived up to their principles and ideals. It should be noted, however, that some religious figures had become beacons for peace and reconciliation. It was sad to note that some Governments were attempting to impose one religion to the detriment of others, to prevent believers from establishing their own communities or associations and to administer their religious life according to their own norms, and were imprisoning, harassing or intimidating individuals and their families because of their faith.

55. It was to be hoped that the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights in 1998 would promote religious freedom and eliminate intolerance based on religion. The Holy See was anxious to maintain a constructive dialogue with all Governments to that end. His delegation welcomed the special emphasis which the Secretary-General's reform proposals for the United Nations placed on human rights and hoped that all the bodies concerned would promote religious freedom.

56. **Mr. Elmufti** (Sudan) said that the main conclusion of the report contained in document A/52/510 to the effect that the situation of human rights in the Sudan had not improved and had actually deteriorated in some fields, was not borne out by the facts. Very soon after assuming power, the Sudanese Government had set out to improve the situation by attempting to find a peaceful solution to the conflict in the south of the country, as evidenced by the signing of a peace agreement with all rebel factions except one on 21 April 1997. That agreement had resolved all controversial human rights issues in that it granted citizens of the southern states the right to self-determination at the end of a four-year interim period; guaranteed freedom of religion, belief and worship; recognized that Sudan was a multiracial, multi-ethnic, multicultural and multi-religious society; provided for fundamental rights and for a declaration of rights and freedoms to be included in the Constitution; laid down principles to ensure the independence of the judiciary; and guaranteed participatory democracy. It was also in compliance with international human rights standards, as the Special Rapporteur himself had concluded in his report. Furthermore, in order to convince the faction which had refused to join the peace process, the Government had recently accepted the declaration of principles formulated in 1994 by the Intergovernmental Authority for Drought and Development as a basis for negotiation, an initiative which had been welcomed by the heads of State and Government of the Authority at their summit meeting held in Nairobi on 8 and 9 July 1997. Moreover, the Revolutionary Command Council had been dissolved, a transitional National Assembly appointed and free and fair presidential and parliamentary elections held in 1996, and a national commission set up to prepare a constitution.

57. In addition to addressing the root causes of human rights violations by resolving the armed conflict peacefully and embarking on a sweeping constitutional reform, the Government had set up a special committee to investigate allegations of enforced or involuntary disappearances and reported cases of slavery, as well as several subcommittees to deal with the various categories of human rights violations. It had also associated UNICEF and national and international non-governmental organizations more closely with the field work of the Ministry of Social Planning and had improved communication with the United Nations High Commissioner for Human Rights.

58. Another issue raised by the Special Rapporteur in his report was the abduction of children. It should be stated quite categorically that the Sudanese Government condemned abductions, violence, torture and any other inhumane treatment of children, regardless of the perpetrator. On 21 March 1997, a high official of the United Nations had transmitted to the Government a "confidential" report – which the official pointed out had not been verified – that a number of girls had been kidnapped in Uganda by the Lord's Resistance Army and might be in Sudan. The Government had made the necessary arrangements for the Ugandan authorities, a number of European mediators and representatives of the college from which the girls had been kidnapped to visit all the areas under its control in the south to talk with the heads of the Ugandan refugee camps. In addition, the Sudanese and Ugandan Presidents had met to discuss the matter.

59. It should be understood that the closest Sudan government forces were about 100 kilometres from the rebels who controlled the Ugandan border areas. The obvious conclusion was that the Sudanese Government was not in a position, from the logistical point of view, to provide assistance to the rebels. Finally, Sudan had demonstrated its concern about the suffering of children affected by armed conflicts as early as 1992, when it had become clear that the rebels were abducting Sudanese children to train them as soldiers or to use them as human shields or to obtain assistance; it had even submitted a draft resolution on the matter.

60. At the urging of the Special Rapporteur, the Commission on Human Rights had repeatedly called on the Centre for Human Rights to provide Sudan with technical assistance in order to improve the human rights situation

there. Despite those repeated requests, however, Sudan had not yet received any such assistance, which was nevertheless needed for the verification and exchange of information and for monitoring the human rights situation in conflict areas.

*The meeting rose at 1.25 p.m.*